

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: June 21, 2006 - MAR

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Suzanne A. Hutton

AGENDA ITEM WORDING:

Approval of a Resolution setting forth policy for teleconferencing public meetings.

ITEM BACKGROUND:

The Board has expressed a desire to use electronic communication to hold special and workshop meetings to minimize travel time and expense of staff and the public and to accommodate obtaining a quorum due to ever-increasing scheduling difficulties when time sensitive issues arise. Mayor McCoy received an informal Attorney General Opinion dated 11/29/2005 (corresponding with similar but formal AGO's 92-44, 94-55, 98-28, 2002-82 and 2003-41) opining on the possibility of the use of electronic teleconferencing for public meetings.

A resolution amending the Administrative Procedures for the Board of County Commissioners (revised April 16, 2003) has been prepared by the County Attorney allowing for the use of electronic teleconferencing for public meetings and establishing specific policy and procedures to ensure the Board's compliance with existing rules and regulations and statutory requirements governing public meetings.

PREVIOUS RELEVANT BOCC ACTION:

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS:

Approval.

TOTAL COST:

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS: N/A

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH **Year**

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:  6/08/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM #

RESOLUTION NO. ____-2006

**A RESOLUTION OF THE MAYOR AND COUNTY
COMMISSION OF MONROE COUNTY SETTING FORTH
POLICY FOR TELECONFERENCING PUBLIC MEETINGS.**

WHEREAS, Monroe County spans 120 miles, connected by bridges, resulting in the board of county commissioners routinely holding regular, special and workshop meetings at three locations within the county; and

WHEREAS, it is desired to use electronic communication to hold special and workshop meetings in order to minimize the travel time and expense of staff and the public who wish to participate, and to accommodate any commissioner who finds it impossible to otherwise be physically present at the site of a meeting; and

WHEREAS, Mayor McCoy received an informal Attorney General Opinion (AGO) dated 11/29/2005, which corresponds with similar but formal AGO's 92-44, 94-55, 98-28, 2002-82, and 2003-41, opining on the permissibility of the use of electronic teleconferencing for public meetings; and

WHEREAS, said opinions set forth guidelines and interpretations of statutory requirements for open public meetings;

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Monroe County, that:

1. The following policy is hereby established for the teleconferencing of public meetings under the jurisdiction of the Board of County Commissioners for Monroe County, Florida, and shall be incorporated in the Administrative Procedures for the Board of County Commissioners of Monroe County Revised April 16, 2003:

Section 1.02(f) - TELECONFERENCING OF PUBLIC MEETINGS

- (i) Public Participation - Meetings of the County Commission may be conducted using an interactive video and telephone system to allow the public to participate in meetings as speakers, provided the following conditions are met:
 - A. The public notice for the Commission meeting sets forth the locations at which teleconferencing participation shall be conducted, and shall include a statement to the following effect:

“Members of the Public wishing to participate in the BOCC meeting at any of the locations specified in this notice are hereby notified that the County can not guarantee that the teleconferencing equipment will function properly although every reasonable effort will be made to enable the teleconferencing. Members of the Public who deem it imperative that they participate should therefore consider travel to the physical location of the meeting where a quorum of the County Commissioners will conduct business;”

- B. There shall be a County technician present at each teleconferencing site throughout the meeting, as well as at least one clerical staff to accept speaker cards and to report to the County Clerk those cards received on any agenda item;
- C. The attendees at the teleconferencing site shall be subject to the same rules of decorum and participation as any person attending the meeting, and may be removed by a Sheriff's Deputy upon direction by the presiding officer; and
- D. The teleconferencing of a meeting shall allow the commissioners and audience present at the meeting site to hear and observe the speakers at the teleconferencing site.

(ii) Participation by an Absent Commissioner - A Commissioner may, under extraordinary circumstances, be able to participate by teleconference at a duly noticed teleconferencing site in any regular, special, or workshop meeting of the County Commission, provided the following conditions are met:

- A. All of the requirements of a teleconferenced meeting as noted in sub-section (i) above are met;
- B. The absent Commissioner is able, via the teleconference technology, to see the other members of the board and the audience at the meeting and the board and audience could see the Commissioner;
- C. The absent Commissioner is not included in the count for a quorum;
- D. A quorum of the members of the County Commission is present at one public meeting place; and
- E. There must be a simple majority vote by the Commissioners present to allow the absent commissioner to participate by teleconferencing, with only serious issues such as health of self or family or being required to be absent to conduct other County business being a sufficient reason to allow the teleconferencing. (i.e., Whether the absence of a member due to a scheduling conflict constitutes such a circumstance is a determination that must be made in the good judgment of the board.)
- F. Any action taken by the commissioner would be presumptively valid until and unless declared otherwise by a court of competent jurisdiction in an appropriate legal proceeding.

(iii) Since each advisory board is required by ordinance or Robert's Rules of Order, adopted by the BOCC unless superseded by a specifically passed rule, to have a quorum to take formal action, advisory boards not otherwise governed by statute or ordinance shall abide by the same rules, except that since most advisory boards are not regularly televised, the procedure applies to telephone participation if the absent member is able to hear all the members present at the meeting site and all such members are in turn able to hear the absent member.

Use of an electronic bulletin board to discuss matters that might foreseeably come before the advisory board over an extended period of days or weeks, which does not provide adequate

notice to the public of anticipated communications and does not permit the public to participate online, is presumed to violate section 286.011, Florida Statutes. Notice of such electronic messaging discussions shall include the locations where such computers with internet access will be located. For meetings where a quorum is necessary for action to be taken, physical presence of the members making up the quorum is still required although internet access to such meetings, may still be offered to provide greater public access.

2. This Resolution shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a meeting of said Board held on the twenty-first day of June, 2006.

Mayor McCoy
Mayor Pro Tem Spehar
Commissioner Neugent
Commissioner Patton
Commissioner Rice

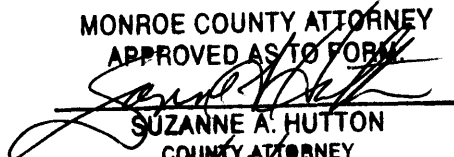
(Seal)

Attest: DANNY L. KOLHAGE, Clerk

By: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Mayor/Chairman

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 6/28/06